

REMARKS/ARGUMENTS

Claims 29-139 are pending. Applicants have amended claim 44 and added claims 122-139. The Examiner has withdrawn claims 29-43, 60-70, and 86-121 from consideration. Applicants note that the Office Action Summary incorrectly indicates that claims 71-85 have been withdrawn.

Applicants thank the Examiner for his consideration during the telephone interview of May 2, 2003. During the interview, the Examiner explained that he is interpreting the term "automatic authentication information" without reference to the specification because he believes there is no explicit definition of such authentication information in the specification. In particular, the Examiner believes that the term is only illustrated by example. Applicants respectfully submit that one skilled in the art upon reading the specification would understand what is meant by automatic authentication information as explained below more fully. There is no requirement in the patent law, either statutory or case law, that an explicit definition for such a term needs to be included in the specification. Rather, a claim term is given the meaning as would be understood by one skilled in the art in view of the specification. See, *Kustom Signals, Inc. v. Applied Concepts, Inc.*, 264 F.3d 1326 (Fed. Cir. 2001) and *Netword, LLC v. Centraal Corp.*, 242 F.3d 1347 (Fed. Cir. 2001).

Applicants' representative also indicated that automatic authentication and manual authentication are well known in the art. (See, for example, U.S. Patent No. 5,960,411, which describes a prior art automatic authentication technique using cookies.) Applicants' claim is distinguishable over the prior art because it provides a combination of automatic and manual authentication that is neither taught or suggested by the prior art.

The Examiner has indicated that the restriction requirement is final. Applicants at this time are deferring petitioning the Commissioner pursuant to 37 C.F.R. § 1.144.

The Examiner has rejected claims 44-59 and 71-85 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection

for several reasons. First, the Examiner believes that the term "automatic authentication information" as used, "defies logic." To support his belief, the Examiner simply states that "[a]uthentication is the act of proving as authentic." The Examiner, however, does not explain why, under this definition, the term "defies logic." Applicants respectfully request clarification. Second, claims 71 and 73-85 do not even use the term "automatic authentication information." Third, the term "automatic authentication information" refers to authentication information that is not entered by the user when a bid is placed. The specification describes this in the following:

Once a user is registered, the auction system may store authentication information on the user's computer system as, for example, a cookie. When the user next accesses the auction system (assuming automatic authentication is enabled) it can automatically recognize the user based on the "stored authentication information."

(Specification, 10:12-16.) This cookie is one example of automatic authentication information. Applicants respectfully submit that one skilled in the art upon reading the specification would understand what is meant by automatic authentication information.

The Examiner also believes that the term "semi-manual authentication" is "confusing." This term, however, is not used in any of the claims.

The Examiner has rejected claims 44 and 71 under 35 U.S.C. § 102(e) as being anticipated by Fisher, and rejected claims 44-59 and 71-85 under 35 U.S.C. § 103(a) as being unpatentable over Fisher. Applicants respectfully traverse this rejection.

The Examiner states that "Fisher's auction method includes a bidding authentication module (Figure 5)." (Office Action, Jan. 16, 2003; pp. 3 and 4.) Applicants have thoroughly searched Fisher and can find no reference to "a bidding authentication module" as the Examiner suggests, nor any reference to the term "authentication" or its derivatives. Fisher does disclose a "bid validator" and a "procedure of bid validation." "Bid validator 21 examines the bid information entered by the customer on bid form 20 to ensure that the bid is properly formatted, all necessary data is present, and the data values look credible." (Fisher, 7:54-57.) This bid

validation is data validation, which is the "process of testing to see whether data is current, consistent, within boundary values, or otherwise accurate." (*Computer Dictionary*, Microsoft Press, 1994, p. 111, attached.) User authentication is not the same as bid data validation. Authentication is defined as "the process of determining whether someone or something is, in fact, who or what it is declared to be . . . authentication is commonly done through the use of logon passwords. (See attached definition from SearchSecurity.com.)

There is nothing in Fisher to teach or suggest the combination of automatic and manual authentication as recited by the claims, including the newly added claims.

Applicants respectfully request reconsideration of this application and its early allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 583-8548.

Respectfully submitted,
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